



PUBLIC NOTICE

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MODIFICATION OF EX PARTE STATUS OF PENDING PETITIONS FOR WAIVER OF HEARING AID COMPATIBILITY REQUIREMENTS

WT Docket No. 01-309

By this Public Notice, the Wireless Telecommunications Bureau announces that, effective today, presentations in connection with the petitions for waiver listed in the attached appendices are subject to the “permit-but-disclose” requirements set forth in § 1.1206 of the Commission's *ex parte* rules. These petitions all seek waivers of obligations or deadlines imposed under the Commission's hearing aid compatibility rules. More specifically, the petitions addressed by this Public Notice fall into three categories:

(1) **Petitions for extension of September 16, 2005 deadline:** Eighteen petitions were filed in 2005 seeking an extension of the September 16, 2005 deadline by which public mobile service providers and digital wireless handset manufacturers not subject to the *de minimis* exception were required to include in their handset offerings at least two handset models per air interface that comply with § 20.19(b)(1) of the Commission's rules.¹ Section 20.19(b)(1) provides that a wireless handset is deemed hearing aid-compatible if it receives, for radio frequency interference, at least a U3 rating as set forth in American National Standards Institute (ANSI) standard document C63.19, “American National Standard for Methods of Measurement of Compatibility between Wireless Communications Devices and Hearing Aids.”² Petitioners seeking an extension of this deadline are listed in Appendix A.

¹ See 47 C.F.R. § 20.19(c)(2)(i)(A).

² 47 C.F.R. § 20.19(b)(1). We note that, since its 2005 draft version, the ANSI C63.19 technical standard has used a new nomenclature for hearing aid compatibility compliance in place of the original “U” and “UT” ratings, in order to make the ratings easier for consumers to understand. See Letter from Thomas Goode, counsel for The Alliance for Telecommunications Industry Solutions, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 01-309 (filed May 6, 2005) (ATIS Letter); Public Notice, “OET Clarifies Use of Revised Wireless Phone Hearing Aid Compatibility Standard Measurement Procedures and Rating Nomenclature,” 20 FCC Rcd 8188 (OET 2005) (*Revised Standard Public Notice*). Specifically, the standard now uses an “M” rating for radio frequency interference immunity (rather than “U”) and a “T” rating for coupling capability (rather than “UT”). See ATIS Letter. The Commission has approved the use of the “M” and “T” nomenclature and considers the M/T and U/U3 nomenclatures as synonymous. See *Revised Standard Public Notice*; Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, WT Docket no. 01-309, *Order on Reconsideration and Further Notice of Proposed Rulemaking*, 20 FCC Rcd 11194, ¶ 33 (2005); Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, Cingular Wireless LLC Petition for Waiver of Section

(2) **Petitions for extension of August 1, 2006 deadline:** Twelve petitions were filed in 2006 seeking an extension of the relief granted in the *Cingular Waiver Order*.³ In that Order, the Commission provided a measure of relief from the hearing aid-compatible wireless handset deployment deadlines for entities that offer dual-band GSM digital wireless handsets that operate in both the 850 MHz and 1900 MHz bands.⁴ Pursuant to its waiver authority, the Commission ruled that it would accept, until August 1, 2006, the hearing aid compatibility compliance rating of the handsets for 1900 MHz operation as the overall compliance rating for the handsets.⁵ Petitioners seeking an extension of this deadline are listed in Appendix B.

(3) **Petitions for extension of September 18, 2006 deadline:** Thirty-nine petitions were filed in 2006 seeking an extension of the September 18, 2006 deadline by which public mobile service providers and digital wireless handset manufacturers not subject to the *de minimis* exception are required to include in their handset offerings at least two handset models for each air interface that comply with § 20.19(b)(2) of the Commission's rules.⁶ Section 20.19(b)(2) provides that that a wireless handset is deemed hearing aid-compatible if it receives, for inductive coupling, at least a U3T rating as set forth in ANSI standard document C63.19.⁷ Petitioners seeking an extension of this deadline are listed in Appendix C.

Under the Commission's rules, these petitions for waiver are subject to treatment by the Commission as restricted proceedings for *ex parte* purposes under § 1.1208 of the Commission's rules, unless otherwise provided.⁸ Because these petitions implicate broadly applicable policy issues, we find, pursuant to Note 2 to § 1.1208 and consistent with § 1.1200(a), that these petitions should be treated as permit-but-disclose proceedings under the *ex parte* rules.⁹ Therefore, the petitions listed in Appendices A, B, and C will hereinafter be subject to the provisions of § 1.1206 governing permit-but-disclose proceedings.¹⁰ Specifically, *ex parte* presentations that are made with respect to the issues involved in the petitions will be allowed but must be disclosed in accordance with the requirements of § 1.1206(b).¹¹ Commenters seeking to protect the confidentiality of information produced shall follow the procedures set forth in Commission rule § 0.459.¹²

20.19(c)(3)(i)(A) of the Commission's Rules, *Memorandum Opinion and Order*, WT Docket No. 01-309, 20 FCC Rcd 15108, n.14 (2005).

³ See Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, Cingular Wireless LLC Petition for Waiver of Section 20.19(c)(3)(i)(A) of the Commission's Rules, *Memorandum Opinion and Order*, WT Docket No. 01-309, 20 FCC Rcd 15108 (2005) (*Cingular Waiver Order*).

⁴ *Id.*

⁵ *Id.*

⁶ See 47 C.F.R. § 20.19(d)(2).

⁷ 47 C.F.R. § 20.19(b)(2). As noted above, the C63.19 standard now uses a "T" rating for coupling capability (rather than "UT"). See *supra*, n.2.

⁸ 47 C.F.R. § 1.1208.

⁹ 47 C.F.R. § 1.1208 Note 2; see also 47 C.F.R. §§ 1.1200(a), 1.1206.

¹⁰ 47 C.F.R. § 1.1206.

¹¹ 47 C.F.R. § 1.1206(b).

¹² 47 C.F.R. § 0.459.

Parties making oral *ex parte* presentations in these proceedings are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.¹³ More than a one-or two-sentence description of the views and arguments presented is generally required.¹⁴

Alternate formats of this public notice (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or send an e-mail to access@fcc.gov.

For questions regarding this public notice, please contact Christina Clearwater or Peter Trachtenberg, Spectrum & Competition Policy Division, Wireless Telecommunications Bureau, (202) 418-1310.

¹³ See "Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings," *Public Notice*, 15 FCC Rcd 19945 (2000).

¹⁴ See 47 C.F.R. § 1.1206(b)(2). For further guidance regarding the requirements and content of *ex parte* submissions, see also Fact Sheet, "FCC's Ex Parte Rules," July 2001, http://www.fcc.gov/ogc/admain/ex_parte_factsheet.html. Other rules pertaining to oral and written presentations are set forth in § 1.1206(b) as well. *Id.* § 1.1206(b).

APPENDIX A.

PETITIONS FOR WAIVER OF SEPTEMBER 16, 2005 DEADLINE

AST Telecom, LLC dba Blue Sky Communications (filed Sept. 16, 2005)
CC Communications (filed Sept. 16, 2005)
Cellular Phone of Kentucky, Inc. (filed Sept. 16, 2005)
C.T. Cube, L.P. dba West Central Wireless (filed Sept. 16, 2005)
Dobson Communications Corp. (filed Sept. 8, 2005)
Iowa Wireless Services, LLC dba i wireless (filed Sept. 15, 2005)
IT&E Overseas, Inc. (filed Sept. 16, 2005)
Leaco Rural Telephone Cooperative, Inc. (filed Sept. 16, 2005)
Litchfield County Cellular, Inc. dba Ramcell of Kentucky LLC (filed Sept. 16, 2005)
Pine Cellular, Inc. (filed Sept. 16, 2005)
SLO Cellular, Inc. d/b/a Cellular One of San Luis Obispo, and Entertainment Unlimited, Inc. (filed Sept. 16, 2005)
South Central Utah Telephone Association, Inc. (filed Sept. 15, 2005)
South Slope Cooperative Telephone Company d/b/a South Slope Wireless (filed Sept. 16, 2005)
SunCom Wireless, Inc. (filed Sept. 14, 2005)
Uintah Basin Electronic Telecommunications d/b/a UBET Wireless (filed Sept. 16, 2005)
Virgin Mobile, USA LLC (filed Sept. 16, 2005)
WUE, Inc. (filed Sept. 16, 2005)
XIT Telecommunications & Technology, LTD d/b/a XIT Cellular (filed Sept. 16, 2005)

APPENDIX B.

PETITIONS FOR WAIVER OF AUGUST 1, 2006 DEADLINE

Advantage Cellular Systems, Inc. (filed July 25, 2006)
AST Telecom, LLC dba Blue Sky Communications (filed July 25, 2006)
CT Cube, Inc. d/b/a West Central Wireless (filed July 26, 2006)
Farmers Cellular Telephone, Inc. (filed May 16, 2006)
Kaplan Telephone Company, Inc. (filed July 25, 2006)
Mid-Tex Cellular, Ltd. (filed July 25, 2006)
Missouri RSA No. 5 Partnership d/b/a Chariton Valley Wireless Services (filed July 25, 2006)
Pine Telephone Company (filed July 25, 2006)
PinPoint Wireless, Inc. (filed July 26, 2006)
Plateau Telecommunications, Incorporated et al. (filed July 25, 2006)
Texas RSA-1 Limited Partnership d/b/a XIT Wireless (filed July 25, 2006)
TMP Corp. and TMP Jacksonville, LLC (filed July 31, 2006)

APPENDIX C.

PETITIONS FOR WAIVER OF SEPTEMBER 18, 2006 DEADLINE

Advantage Cellular Systems, Incorporated (filed Sept. 18, 2006)
Airadigm Communications, Inc. (filed Sept. 20, 2006)
Blanca Telephone Company (filed Sept. 18, 2006)
Brown County MSA, LP, Wisconsin RSA #4 LP, Wisconsin RSA #10, LP et al. (filed Sept. 18, 2006)
Buffalo-Lake Erie Wireless Systems Co., L.L.C. (filed Sept. 18, 2006)
Centennial Communications Corp. (filed Sept. 18, 2006)
CTC Telcom, Inc. (filed Sept. 18, 2006)
Dobson Communications Corporation (filed Sept. 20, 2006)
Farmers Cellular Telephone, Inc. (filed Sept. 18, 2006)
Farmers Mutual Telephone Company (filed Sept. 18, 2006)
Farmers Mutual Telephone Company dba FMTC Mobile Services (filed Sept. 13, 2006)
Inland Cellular Telephone Company (filed Sept. 18, 2006)
Iowa 15 Wireless LLC dba Cellular One and Long Lines Wireless LLC (filed Sept. 18, 2006)
Iowa Wireless Services, LLC (filed Sept. 20, 2006)
IT&E Overseas, Inc. (filed Sept. 13, 2006)
Kyocera Wireless Corp. (filed Sept. 18, 2006)
Leap Wireless International, Inc. (filed Sept. 18, 2006)
Litchfield County Cellular, Inc. d/b/a Ramcell of Oregon (filed Sept. 18, 2006)
Mid-Tex Cellular, Ltd. (filed Sept. 15, 2006)
MTPCS, LLC d/b/a Chinook Wireless (filed Sept. 21, 2006)
North Carolina RSA 1 Partnership (filed Sept. 18, 2006)
North Dakota Network Co. (filed Sept. 15, 2006)
Northwest Missouri Cellular Limited Partnership (filed Sept. 14, 2006)
NTCH, Inc. and IAT Communications, Inc. (filed Sept. 14, 2006)
Panhandle Telecommunication Systems, Inc. (filed Sept. 14, 2006)
Plateau Telecommunications, Incorporated et al. (filed Sept. 15, 2006)
Punxsutawney Communications, LLC (filed Sept. 18, 2006)
RSA 1 Limited Partnership d/b/a Cellular 29 Plus and Iowa RSA 2 Limited Partners (filed Sept. 15, 2006)
Sagebrush Cellular, Inc. & Triangle Communication System, Inc. (filed Sept. 18, 2006)
SLO Cellular, Inc. & Entertainment Unlimited, Inc. (filed Sept. 14, 2006)
SLO Cellular, Inc. d/b/a Cellular One of San Luis Obispo (filed Nov. 17, 2006)¹⁵
South Central Utah Telephone Association, Inc. (filed Nov. 17, 2006)
South No. 5 RSA LP d/b/a Brazos Cellular Communications, LTD (filed Sept. 15, 2006)
South Slope Cooperative Telephone Co., Inc. d/b/a South Slope Wireless (filed Sept. 18, 2006)
SunCom Wireless, Inc. (filed Sept. 18, 2006)
Texas RSA-1 Limited Partnership d/b/a XIT Wireless (filed Sept. 14, 2006)
Uintah Basin Electronic Telecommunications d/b/a UBET Wireless (filed Sept. 18, 2006)
Virgin Mobile USA, LLC (filed Nov. 7, 2006)
Wilkes Cellular, Inc. (filed Sept. 18, 2006)

¹⁵ In addition to seeking relief from the September 18, 2006 deadline, SLO Cellular, Inc. d/b/a Cellular One of San Luis Obispo seeks an extension of the partial relief granted to carriers operating TDMA networks and codified at 47 C.F.R. § 20.19(c)(2)(i)(B).